



Canadian  
Judicial Council  
Conseil canadien  
de la magistrature

Ottawa, Ontario K1A 0W8

F14-008667

PLS

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XRL 2014-006126(PLS)

MINISTER OF JUSTICE  
MINISTRE DE LA JUSTICE

2014 06 -2 10 51

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June 2, 2014

The Honourable Peter MacKay, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada  
Justice Headquarters  
284 Wellington St  
Ottawa, ON K1A 0H8

s.21(1)(b)

Dear Minister:

Thank you for your letter of May 6, 2014

Yours sincerely,

Beverley McLachlin, P.C.  
Chairperson

014-012648 D.D.  
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Canadian  
Judicial Council  
Conseil canadien  
de la magistrature

MINISTER OF JUSTICE  
MINISTRE DE LA JUSTICE

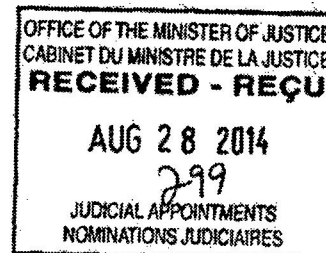
2014 AUG 28 P 3:58

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Ottawa, Ontario K1A 0W8

August 28, 2014

The Honourable Peter MacKay, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada  
Justice Headquarters  
284 Wellington Street  
Ottawa, ON K1A 0H8



Dear Minister:

Ref: F14-012128, F14-012511

The Canadian Judicial Council is holding its annual meeting on September 17 and 18, 2014 in Toronto. As always, Council members hope you can be present; however, I understand from discussions between officials that you may not be available to address Council members on either of those dates. In the event you cannot join us, we would of course welcome your Deputy Minister.



s.21(1)(b)

Yours sincerely,

Beverley McLachlin, P.C.  
Chairperson



Department of Justice  
Canada

Ministère de la Justice  
Canada

NUMERO DU DOSSIER/FILE #: 2014-010294

COTE DE SECURITE/SECURITY CLASSIFICATION: PROTECTED

s.21(1)(a)

TITRE/TITLE: Reply to Chief Justice McLachlin – [REDACTED]

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- On June 2, 2014, Chief Justice McLachlin wrote to you [REDACTED]

• [REDACTED]

• [REDACTED]

• [REDACTED]

• [REDACTED]

Approbation/signature du ministre demandée pour le/Minister's signature/approval requested by:

September 5, 2014

Soumis par (secteur)/Submitted by (Sector):

Public Law Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Toby Hoffmann/Sarah Geh

Revue dans l'ULM par/Edited in the MLU by:

Mariane C. Picard

Soumis au CM/Submitted to MO: September 2, 2014 (revised)

**Pages 4 to / à 6**  
**are withheld pursuant to section**  
**sont retenues en vertu de l'article**

**21(1)(a)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

Minister of Justice  
and Attorney General of Canada



Ministre de la Justice  
et procureur général du Canada

The Honourable / L'honorable Peter MacKay, P.C., Q.C., M.P. / c.p., c.r., député  
Ottawa, Canada K1A 0H8

SEP 08 2014

200003

2014-012511

The Right Honourable Beverly McLachlin  
Chairperson  
Canadian Judicial Council  
Ottawa ON K1A 0W8

Dear Chief Justice McLachlin:

I am responding to your kind invitation to attend the dinner on the occasion of the Canadian Judicial Council (CJC) meeting, taking place on September 17, in Toronto, which I happily accept. Regrettably, Ms. Nazanin Afshin-Jan will be unable to accompany me to the dinner.

I was also pleased to be invited to address the Council on issues of mutual interest, and I will plan to attend on the afternoon of September 17, 2014, as proposed. That said, as you are aware, the House of Commons is scheduled to resume sitting the week of September 15, 2014. Therefore, there remains the possibility that I may be unable to attend the Council meeting due to my responsibilities in the House. In that event, I will ask my Deputy Minister, William Pentney, to deliver remarks on my behalf.

I will ask my officials to work with CJC officials to finalize the details of my attendance closer to the event.

Yours sincerely,

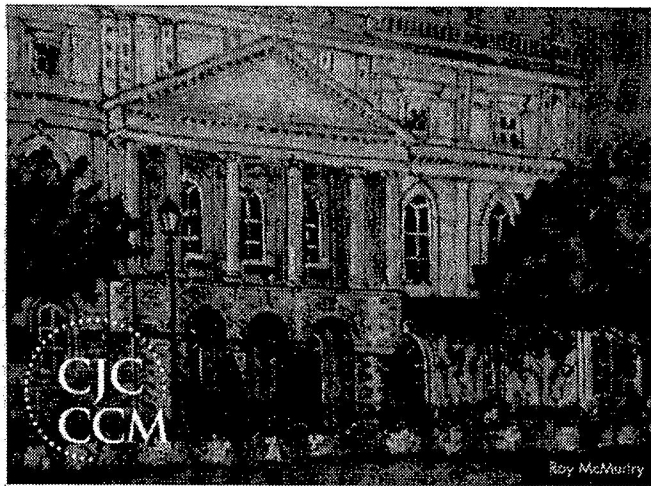
Original signed by  
Original signé par

The Honourable Peter MacKay

c.c. Mr. William Pentney  
Deputy Minister, Department of Justice Canada

Mr. Norman Sabourin  
Executive Director and Senior General Counsel, Canadian Judicial Council

Canada



THE HONOURABLE PETER GORDON MACKAY

&

MS NAZANIN AFSHIN-JAM

CP  
FI4-012511  
MOSCH-NK  
2 00003  
Ref: FI4-012128

THE RIGHT HONOURABLE BEVERLEY McLACHLIN,  
CHAIRPERSON OF THE CANADIAN JUDICIAL COUNCIL

REQUESTS THE PLEASURE OF YOUR COMPANY AT A DINNER TO BE HELD

WEDNESDAY, 17 SEPTEMBER 2014  
ON THE OCCASION OF THE COUNCIL MEETING

CONVOCATION HALL, OSGOODE HALL  
130 QUEEN ST WEST, SOUTH ENTRANCE  
TORONTO, ONTARIO

REFRESHMENTS AT 6:30 PM  
DINNER AT 7:00 PM

R.S.V.P. BY 3 SEPTEMBER 2014  
(613) 288-1566, PRESS 306 ~ BUSINESS ATTIRE

Minister of Justice  
and Attorney General of Canada



Ministre de la Justice  
et procureur général du Canada

The Honourable / L'honorable Peter MacKay, P.C., Q.C., M.P., J.C.P., c.r., député  
Ottawa, Canada K1A 0H8

SEP 16 2014

200003

2014-072648

The Right Honourable Beverley McLachlin  
Chairperson  
Canadian Judicial Council  
Ottawa ON K1A 0W8

Dear Chief Justice McLachlin:

Thank you for your correspondence dated June 2, 2014,



s.21(1)(b)

Canada

-2-



Thank you again for writing to me on this important issue.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Peter MacKay'.

The Honourable Peter MacKay

s.21(1)(b)





Canadian  
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Conseil canadien  
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Ottawa, Ontario K1A 0W8

MINISTER OF JUSTICE  
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2014 OCT 16 A 8:40

RECEIVED/REÇU

October 15, 2014

D14-014525 D.O.  
mch05  
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summary  
report AH.

The Honourable Peter MacKay, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada  
Justice Canada Headquarters  
284 Wellington Street  
Ottawa, ON K1A 0H8

Dear Minister:

On behalf of all members of the Canadian Judicial Council, I wish to thank you for joining us at our recent plenary meeting and dinner in Toronto. We appreciated the time you took to share your views.



s.21(1)(b)

.../2

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- 2 -

Council will hold its next plenary session on April 1 and 2, 2015 in Ottawa. We hope you will be able to join us again at that time.

Once again, thank you for taking time out of your busy schedule to meet with the Council.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'B. McLachlin', with a long horizontal flourish extending to the right.

Beverley McLachlin, P.C.  
Chairperson



Canadian  
Judicial Council  
Conseil canadien  
de la magistrature

MINISTER OF JUSTICE  
MINISTRE DE LA JUSTICE

2014 DEC -2 P 2:1

RECEIVED/REÇU

Ottawa, Ontario K1A 0W8

November 21, 2014

The Honourable Peter MacKay, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada  
Justice Headquarters  
284 Wellington Street  
Ottawa, ON K1A 0H8



Dear Minister:

s.21(1)(b)

s.69(1)(g) re (a)



s.69(1)(g) re (a)

2

Please do not hesitate to contact me should you wish to discuss this matter. We would be grateful for your assistance.

Sincerely,



Beverley McLachlin, P.C.  
Chairperson



Department of Justice  
Canada

Ministère de la Justice  
Canada

NUMÉRO DU DOSSIER/FILE #: 2015-012535

COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected "B"

**TITRE/TITLE:** Meeting with the Right Honourable Beverley McLachlin, P.C., Chief Justice of Canada

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- You will be having an introductory meeting with the Chief Justice of Canada (date, time, and location to be confirmed). Talking points for this meeting are attached as Annex 1.
- Although an in-person meeting with the Chief Justice is among the first acts of every new Minister of Justice, it is more than mere protocol. It presents an opportunity on both sides to communicate high-level messages about key issues and concerns, and to set the tone of the relationship more generally.

•

- The Chief Justice may choose to raise issues in any of her three capacities: 1) sitting at the apex of Canada's courts, as an advocate on behalf of the system as a whole; 2) as Chief Justice of her own court, speaking to the Supreme Court of Canada's needs, interests and unique role; 3) as Chair of the Canadian Judicial Council.

•

Soumis par (secteur)/Submitted by (Sector):

Public Law Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Sarah Geh

Revue dans l'ULM par/Edited in the MLU by:

Matt Ignatowicz

Soumis au CM/Submitted to MO:

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SCENARIO

2015-012535

## MEMORANDUM FOR THE MINISTER

### Meeting with the Right Honourable Beverley McLachlin, P.C., Chief Justice of Canada

#### ISSUE

This note provides background information for your introductory meeting with the Chief Justice of Canada (date, time, and location to be confirmed). Although an in-person meeting with the Chief Justice is among the first acts of every new Minister of Justice, it is more than mere protocol. It presents an opportunity on both sides to communicate high-level messages about key issues and concerns, and to set the tone of the relationship more generally.

#### BACKGROUND

One of the core responsibilities of the Minister of Justice is to act as the primary interlocutor between the judiciary and the executive Government of Canada because of the constitutional separation between the three branches of government in Canada. Long-established practice requires that any communication between the Government and the courts be undertaken through the Minister of Justice. This ensures that dialogue is appropriately structured and takes into consideration the legal and constitutional framework—most notably, the principle of judicial independence—as well as policy considerations that pertain to the role and functions of the judiciary in Canada.

The Chief Justice of Canada acts in three essential capacities: first, she sits at the apex of Canada's judiciary and courts, providing both leadership and advocacy on behalf of the system as a whole; second, as Chief Justice of the Supreme Court of Canada, she speaks on behalf of its needs, interests and unique role; third, she is Chair of the Canadian Judicial Council (CJC), a statutory body comprising all chief justices and associate chief justices in Canada, responsible for judicial discipline and for establishing policies on a wide range of other judicial matters. The Chief Justice may choose to raise issues in any of these capacities.

As Minister, you exercise parallel responsibilities. First, you play a stewardship role in relation to Canada's justice system, including the courts. You therefore share common (although not identical) interests and responsibilities with the Chief Justice in the fair and effective functioning of the system as a whole. Second, you have policy responsibility for statutes governing the federally-created courts, including the Supreme Court of Canada. This can give rise to the need for policy dialogue between the Minister and Chief Justice, including in relation to the courts' administration and the provision of the necessary budgetary resources. You also have lead responsibility for Supreme Court appointments.

Finally, you have important ministerial responsibilities arising from the *Judges Act*, which establishes the legal framework for the superior court judiciary, including judicial compensation and benefits. The *Judges Act* also establishes the Office of the Commissioner for Federal Judicial Affairs, which administers judicial compensation and benefits and provides the necessary budgetary support for the CJC. In the usual course, the Chief Justice invites the Minister to meet with all chief justices collectively twice a year on the occasion of the CJC's semi-annual meetings. This is an opportunity for the Minister, accompanied by the Deputy Minister, to discuss issues of mutual interest. In addition, the Chief Justice of Canada may from time to time propose a meeting to discuss issues of particular concern, although regular meetings between the Minister and the Chief Justice have not occurred in recent years.

## CONSIDERATIONS



s.21(1)(a)

## CONCLUSION



### ANNEXES [2]

Annex 1: Talking Points  
Annex 2: Outline of Issues

s.21(1)(a)

**PREPARED BY**  
Stephen Zaluski  
General Counsel and Director  
Judicial Affairs, Courts and Tribunal Policy  
613-946-8958





Unclassified  
2015-012535

## Talking Points

### Meeting with the Right Honourable Beverley McLachlin, P.C., Chief Justice of Canada

s.21(1)(a)



**Page 20**

**is withheld pursuant to section  
est retenue en vertu de l'article**

**21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



**PREPARED BY**  
Adair Crosby  
Senior Counsel  
Judicial Affairs, Courts and Tribunal Policy  
613-952-7748

s.21(1)(a)

Annex 2

**Outline of Issues of Interest to the Chief Justice of Canada**



s.21(1)(a)

s.69(1)(g) re (a)

**Pages 23 to / à 25**  
**are withheld pursuant to section**  
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Ottawa, Ontario K1A 0W8

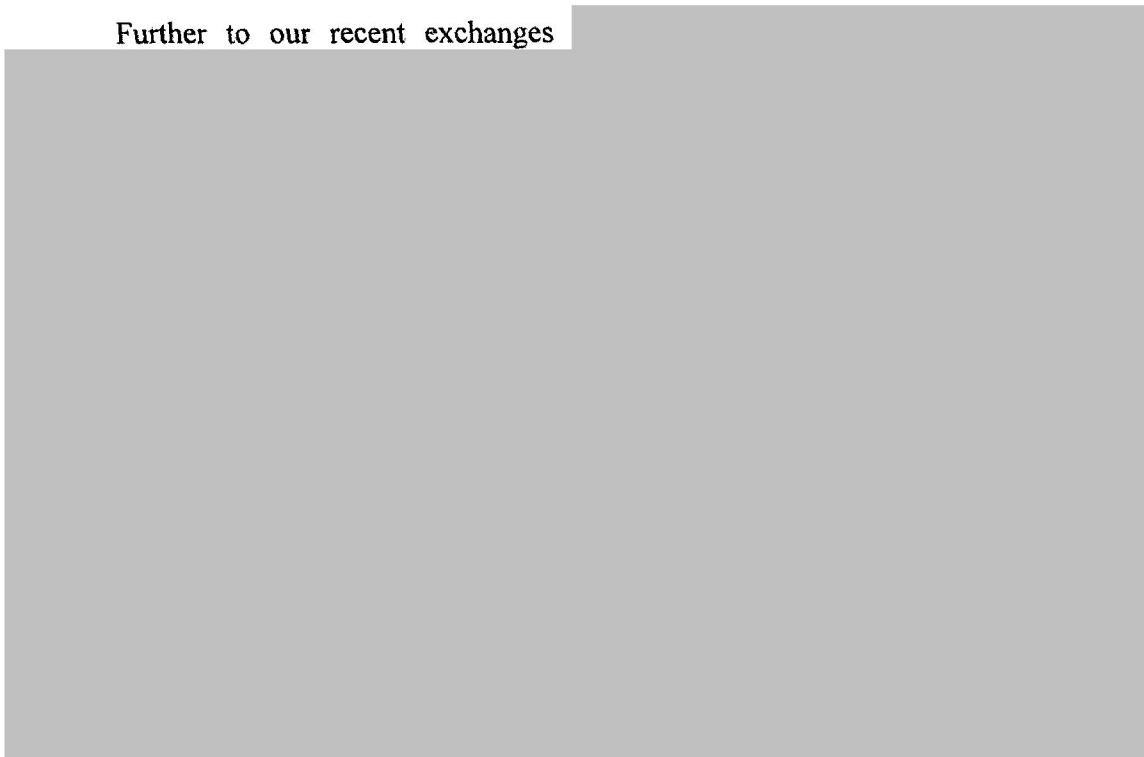
December 10, 2013

The Honourable Peter MacKay, P.C., Q.C.  
Minister of Justice and Attorney General of Canada  
284 Wellington St., 4th Floor  
House of Commons  
Ottawa, Ontario  
K1A 0A6

s.21(1)(b)

Dear Minister:

Further to our recent exchanges





I thank you for your continuing attention to this matter.

s.21(1)(b)

Sincerely,

Beverley McLachlin, P.C.  
Chairperson  
Canadian Judicial Council

*Guy*



Canadian  
Judicial Council  
Conseil canadien  
de la magistrature

Ottawa, Ontario K1A 0W8

April 14, 2014

The Honourable Peter MacKay, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada  
Justice Headquarters  
284 Wellington St  
Ottawa, ON K1A 0H8

Dear Minister:

I am writing on behalf of all Council members to thank you for addressing us on April 2, 2014 despite a very busy day for you in the House of Commons. We value and appreciate the opportunity for the exchange of views on matters relating to the judiciary and the administration of justice.

s.21(1)(b)



Again, thank you for attending the recent Council meeting.

Yours sincerely,

Beverley McLachlin, P.C.  
Chairperson



Minister of Justice  
and Attorney General of Canada



Ministre de la Justice  
et procureur général du Canada

The Honourable / L'honorable Peter MacKay, P.C., Q.C., M.P. / c.p., c.r., député  
Ottawa, Canada K1A 0H8

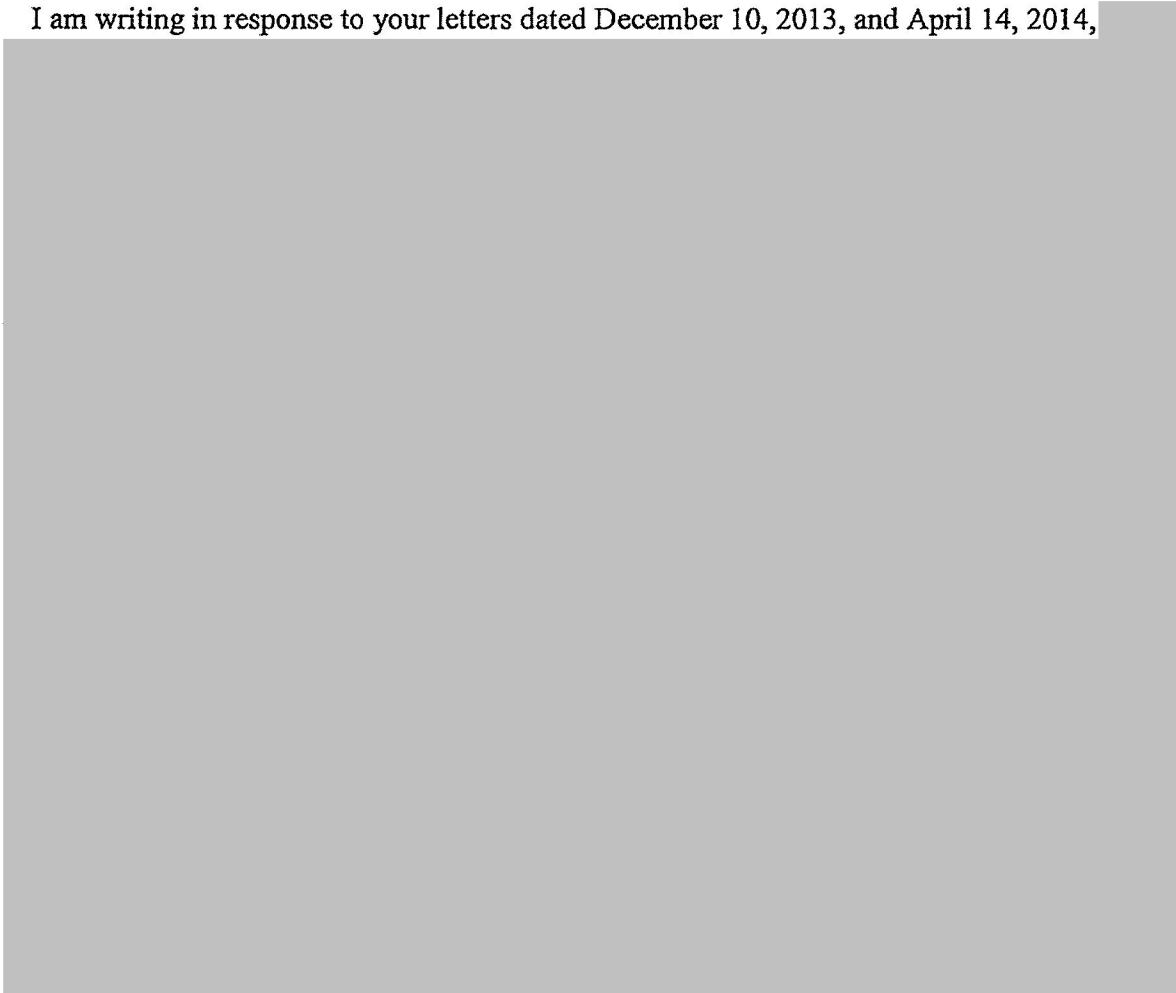
MAY - 6 2014

The Right Honourable Beverley McLachlin  
Chairperson  
Canadian Judicial Council  
Ottawa, Ontario K1A 0W8

s.21(1)(b)

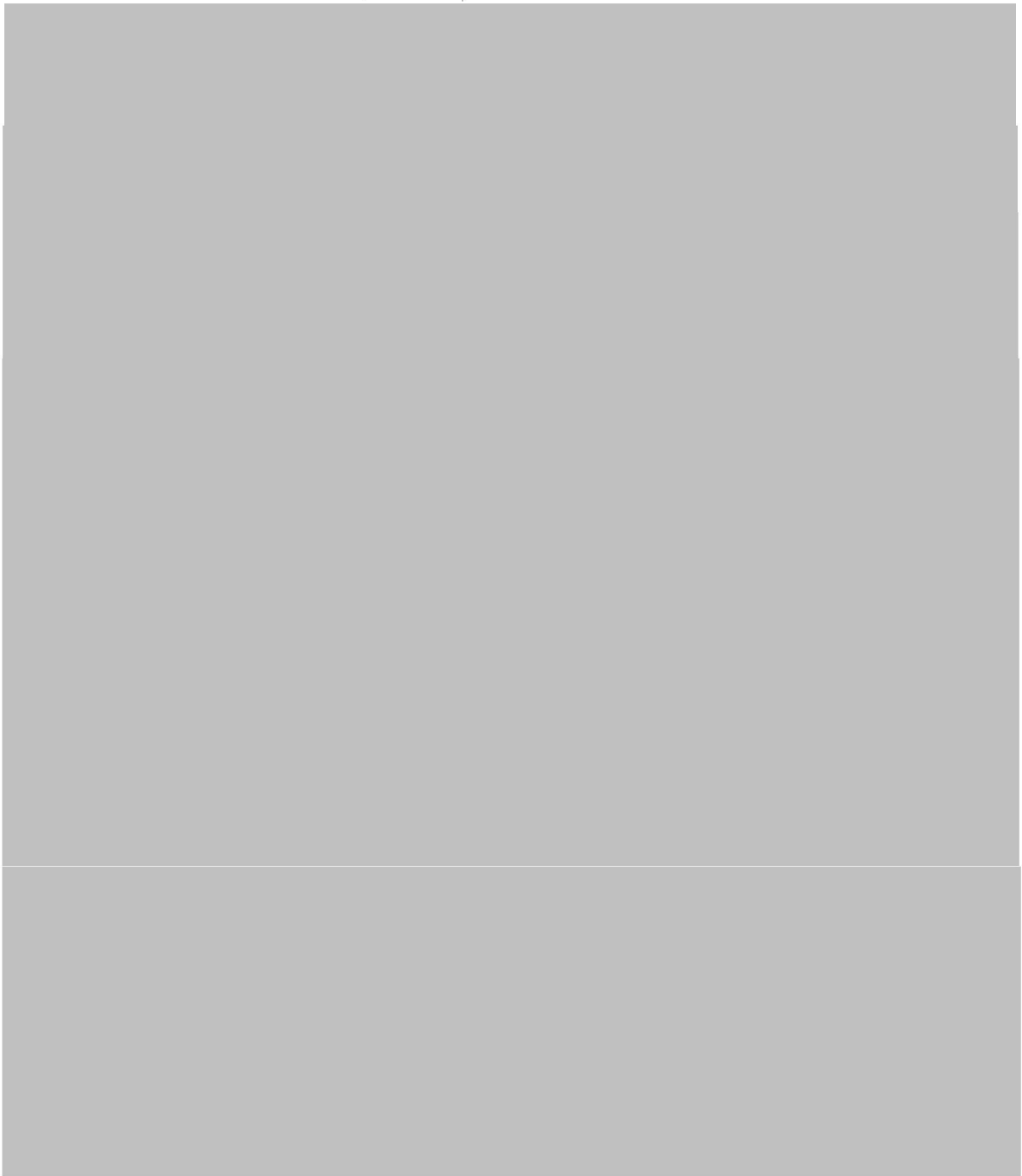
Dear Chief Justice McLachlin:

I am writing in response to your letters dated December 10, 2013, and April 14, 2014,



Canada

-2-



s.21(1)(b)

s.69(1)(g) re (a)

-2-

Yours sincerely,

s.21(1)(b)



The Honourable Peter MacKay

c.c.: William Brooks, Commissioner  
William Pentney, Deputy Minister of Justice